

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

AUSTIN EDWARD LIGHTFEATHER,

Plaintiff,

vs.

LANCASTER COUNTY OFFICER ROW,

Defendant.

8:22CV225

MEMORANDUM AND ORDER

On June 23, 2022, Plaintiff Austin Edward Lightfeather filed an unsigned Complaint, [Filing No. 1](#), and an unsigned “Request to Waive of Informa Pauperous,” which has been docketed as a motion for leave to proceed in forma pauperis (“IFP”), [Filing No. 2](#). On June 23, 2022, the Clerk of Court advised Plaintiff that his Complaint and IFP motion were unsigned and therefore deficient. The Clerk of Court directed Plaintiff to “correct the deficiency” (i.e., file a signed Complaint and IFP motion) within 15 days, or the pleadings “may be stricken from the record of this case.” [Filing No. 3](#) (text order). Plaintiff has failed to follow the Clerk of Court’s directions.

In addition, Plaintiff’s IFP motion, [Filing No. 2](#), does not comply with the terms of [28 U.S.C. § 1915](#), the statute authorizing proceedings in forma pauperis. See [28 U.S.C. § 1915\(a\)\(1\)](#) (requiring the plaintiff to submit “an affidavit that includes a statement of all assets such prisoner possesses that the person is unable to pay such

fees or give security therefor”). Plaintiff has the choice of either submitting the \$402.00 filing and administrative fees to the Clerk’s office or submitting a signed request to proceed in forma pauperis that complies with [28 U.S.C. § 1915](#).

Accordingly, I shall order Plaintiff to file a signed IFP motion that complies with [28 U.S.C. § 1915](#) and a signed Complaint in accordance with [Federal Rule of Civil Procedure 11](#) and the court’s Local Rules. This matter cannot proceed until the foregoing deficiencies are corrected. FAILURE TO CORRECT THE DEFECTS WITHIN 30 DAYS WILL RESULT IN DISMISSAL OF THE COMPLAINT WITHOUT FURTHER NOTICE.

IT IS THEREFORE ORDERED that:

1. Plaintiff’s “Request to Waive of Informa Pauperous,” construed as a request to proceed IFP, [Filing No. 2](#), is denied without prejudice to reassertion in a motion to proceed in forma pauperis that complies with [28 U.S.C. § 1915](#).

2. Plaintiff is directed to correct the above-listed technical defects in the Complaint and IFP motion on or before **August 12, 2022**. Failure to comply with this Memorandum and Order will result in dismissal of this matter without prejudice and without further notice.

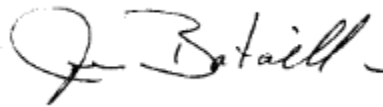
3. The Clerk of Court is directed to send to Plaintiff the Form AO240 (“Application to Proceed Without Prepayment of Fees and Affidavit”).

4. The Clerk of Court is directed to set a pro se case management deadline in this matter with the following text: **August 12, 2022**: deadline for submission of a signed complaint and IFP motion.

5. No further review of this case shall take place until Plaintiff complies with this order.

Dated this 13th day of July, 2022.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J. Bataillon", with a stylized flourish at the end.

Joseph F. Bataillon
Senior United States District Judge